

Elston, Sue

From: Evans, Gary <GEvans@waukeshacounty.gov>
Sent: Wednesday, October 21, 2015 7:38 PM
To: Kowal, Kathleen; Elston, Sue; Kopka, Marie H MVP (Marie.H.Kopka@usace.army.mil)
Cc: 'ian.chidister@dot.gov'; Cain, Douglas - DOT (Douglas.Cain@dot.wi.gov); Charlie.Webb@CH2M.com; Kerry.Meyer@CH2M.com; Leithoff, Karla - DOT; Lee, Scott - DOT; Eruchalu, Benedict C - DOT (Benedict.Eruchalu@dot.wi.gov); 'Waldschmidt, Jay - DOT'; Braun, Karen; Bussler, Allison
Subject: West Waukesha Bypass Resource Agency Follow up
Attachments: Waukesha West Bypass; RE: West Waukesha Bypass Fen Mitigation; Detail with OLD.PDF; PC West Rotated Wetland Impacts.pdf; Revised Wetland Impact Table.xlsx

Prior to our next phone conference on November 5th . We wanted to update you on the progress we have made. There were 4 main points of emphasis following our recent phone conference :

- 1: What is the current is the position of the Merrill Hills Country club and is their financial position such that they may wish to sell.
- 2: What other fens might be available other than Yatzeks and Browns fens as mitigation sites.
- 3: Follow up with the Buzz Hardy regarding the conservation easement
- 4: Is there a refinement to the Pebble Creek West Alternate that does not impact the fen, but maintains the minimum interior forest habitat.

- 1: What is the current is the position of the Merrill Hills Country club and is their financial position such that they may wish to sell.

We have spoken with some members of the club and the Club Manager – Adam Martin and even the course owner. The club was sold 2 years ago to the Legends Group who, since the purchase have invested over a million dollars into the club house, golf course and other facilities. The property is not for sale and they have no intention of selling in the foreseeable future. We have requested a letter from them confirming these facts. I have attached the email from Karen Braun of my staff who spoke with Mr. Martin confirming their conversation –its titled Waukesha West Bypass. It should also be pointed out that this alternate had substantial opposition from the public and would mean the relocation of 7 to12 properties depending on how the West Bypass were to connect to existing STH 59. It is our the reasons why this alternate were dropped originally have not changed . Once we have received correspondence from the Country Club we will forward it to you.

- 2: What other fens might be available other than Yatzeks and Browns fens as mitigation sites

We did contact SEWRPC regarding additional potential mitigation sites and they have provided three more sites in the area. The Jericho Creek Fen, Mill Brook Fen and Meyer Sedge Fen. I have attached the email (West Waukesha Bypass Fen Mitigation)I received back from SEWRPC which provides a little more detail on the fens. Further investigation of the sites may be needed but such an investigation seems unlikely to happen before spring 2016.

- 3: Follow up with the Buzz Hardy regarding the conservation easement

We have been in further contact with Mr. Hardys attorney and continue to pursue the conservation easement. A recent email from Mr Hardy's attorney indicates that they are in general agreement to selling the easement under the terms we have discussed and are interested in proceeding with the sale of the conservation easement.

- 4 Is a refinement to the Pebble Creek West alternative that does not impact the fen, but maintains the minimum interior forest habitat.

We have found that by rotating the alignment 10 degrees we can fit the roadway between the fen and the habit area, not impact the fen and maintain 0.5 acres of interior forest habitat – the minimum size for the area to be viable as habitat. This change will also mean that the alignment of Sunset Drive will need to be altered to properly align with the bypass. This will push Sunset to the north away from the fen and will increase the impact on wetland 11– the wetland adjacent to the north side of Sunset - by 0.4 acres . It will also decrease the impacts on wetland 9 – the wetland adjacent to the south side of Sunset – by 0.8 acres. The net effect is an overall wetland reduction of 2.6 acres, 0.4 acres of which is the fen. The attached PDF's and revised wetland impact table show the new impacts and changes associated with the alignment change. This refinement is called Pebble Creek West Rotated.

At the closest point to the fen, the bypass roadway will now be in a cut rather than a fill section –meaning there will be no direct runoff into the fen from the Bypass. The roadway will remain above the ground water line thus maintaining the flow of ground water to the fen and surrounding wetlands. The distance from the slope limit to the edge of the fen at the closest point is around 33 feet – it could be slightly less if we steepen the slope. The area between the roadway and the fen would remain wooded thus providing some buffering for the fen. The physical roadway will be around 50 feet from the edge of the fen at its closest which is roughly the same distance that edge of pavement on Sunset is from the edge of the fen. Sunset will be moved to the north this negating any impacts to the fen from Sunset and increasing the distance between the roadway and the fen.

We trust that you will give due consideration to the information we have provided such that we can have a meaningful discussion and hopefully bring resolution to this issue when we meet on November 5. In the meantime should you have any questions please do not hesitate to contact me. I will be out of the office until Nov 2 but will be checking emails.

On behalf of the West Waukesha Bypass Team

Gary M. Evans, P.E.
Waukesha County Engineering Services Manager

Hello Gary,

As requested, we took a closer look among the sites previously identified as potential sedge fen mitigation sites within the Fox River watershed as shown on Exhibit C in the SEWRPC staff Memorandum dated June 26, 2015 (see attached). Based upon this revised criteria of "any" potential fen mitigation sites within the Fox River watershed, there are three potentially suitable fen mitigation sites not in the public domain that might be good alternatives that include:

Site 6-Jericho Creek Fen
Site 7-Mill Brook Fen
Site 14-Meyer Sedge Fen

Sites 6 and 7 were previously ruled out as potential sites, due to distance away from the impacted fen site. Looking at Site 6 there might be a potential access issue, but this site is near Barbara Holtz's property where they have been doing extensive invasive species management. Although site 6 is not directly adjacent to the Holtz property, it may still be a key property in order to gain access to the site. In addition, the quality of this site was based on a survey conducted back in 1993, so a quality assessment would have to be conducted at this location to confirm its feasibility. Site 7 was classified as a critical species habitat site based on the presence of Ohio Goldenrod, but this species is no longer considered a State of Wisconsin special concern species. Therefore, similar to site 6, the quality of this site may be an issue and a quality assessment would have to be conducted at this location. Given the lateness of the growing season and the types of plant species likely to occur in such areas, it is too late to conduct a quality assessment on these sites this year. A quality assessment should be conducted in the middle portion of the growing season for sedge fen communities. Please let us know if you want us to schedule this for next year 2016.

Site 14 is owned by Pam Meyer. This site was originally ranked as "unknown" in terms of potential for fen mitigation enhancement in Exhibit C, but Dr. Dan Carter, SEWRPC principal biologist, has subsequently conducted an inventory of Pam Meyer's property this past summer 2015. Based upon this recent survey this site is now known to be of moderate to high potential for potential fen enhancement and this sedge fen is part of a high quality wetland-upland complex. So, the Meyer Sedge Fen is contained within the highest quality ranking area of the three potential mitigation sites – an NA-2 Natural Area. That being said, this sedge fen is being primarily degraded by cattail encroachment which can be more challenging to manage compared to buckthorn mitigation enhancement such as exists at other potential fen mitigation sites, so it may be difficult to translate enhancement credits. However, given that this site is wholly owned by one landowner, access is not an issue. In addition, Pam Meyer has expressed interest in properly managing the plant communities on her property.

We trust that this meets your request. Please let us know if you have questions or would like to discuss further.

Sincerely,
Tom

Thomas M. Slawski, PhD
Chief Biologist
Natural Resources Planning and Management Division
Southeastern Wisconsin
Regional Planning Commission

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From: Evans, Gary [<mailto:GEvans@waukeshacounty.gov>]
Sent: Wednesday, October 07, 2015 9:49 AM
To: Slawski, Thomas M.
Cc: Yunker, Kenneth R. ; Leithoff, Karla - DOT ; Cain, Douglas - DOT (Douglas.Cain@dot.wi.gov)
Subject: West Waukesha Bypass Fen Mitigation

Tom:

At a meeting with the Fed Resource agencies yesterday the EPA questioned the suitability of Browns Fen as a mitigation site. They have asked to look at the larger Fox River Basin to see if there are any other suitable sites available, suitable meaning not in the public domain and that can be preserved. We think also we will be approaching the Yatseks again with respect to coming to an arrangement to preserve their fen – despite its issues. I know you guys are busy over there, but could you please take another look at your data base and at least superficially for now let us know what other potential fen mitigation sites might be available.

Thanks

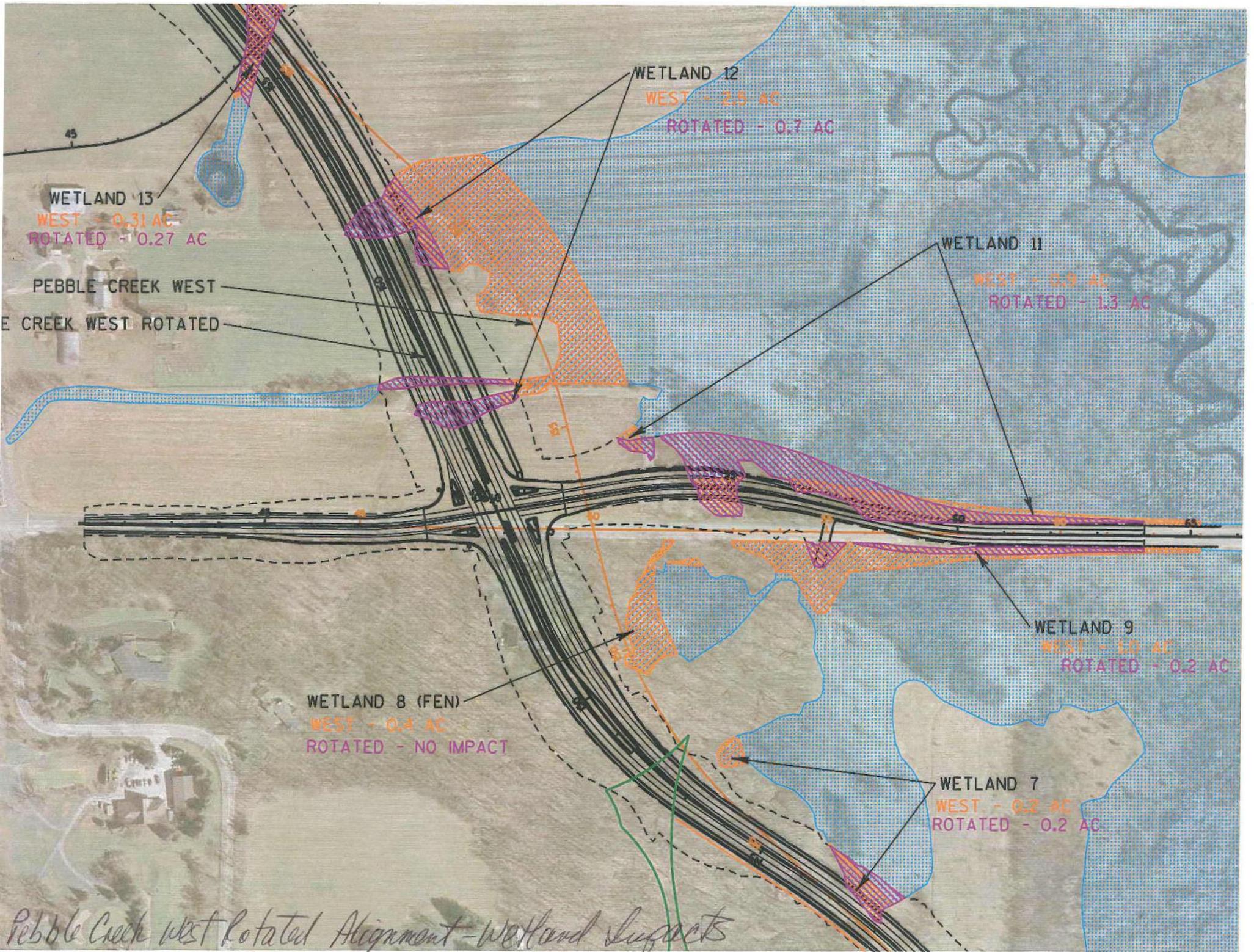
Gary

Functional Value	Wetland Type	Alternatives
		Pebble Creek West ROTATED (acre)
W-13 (ADID wetland). No functional value rated as high.	Atypical (farmed) wetland	1.2
W-12 (ADID wetland). No functional value rated as high.	Fresh (Wet) Meadow and atypical (farmed) wetland	0.7
W-11 (ADID wetland). Floral diversity, wildlife habitat, fishery habitat, stormwater attenuation, water quality protection, groundwater, and aesthetic, recreation, and education rated as high.	Shallow Marsh, Southern Sedge Meadow, Fresh (Wet) Meadow, Wet- Mesic Prairie, Shrub-Carr (willow thicket) and second growth Southern Wet to Wet-Mesic Lowland Hardwoods	1.3
W-9 (ADID wetland). Floral diversity, wildlife habitat, fishery habitat, water quality protection, and groundwater rated as high.	Southern Sedge Meadow, Fresh (Wet) Meadow, Shrub-Carr, and second growth, Southern Wet to Wet-Mesic Lowland Hardwoods	0.2
W-8 (ADID wetland). Groundwater rated as high.	Sedge Fen and second growth Southern Wet to Wet-Mesic Lowland Hardwoods	0
W-7 (ADID wetland). Groundwater rated as high.	Fresh (Wet) Meadow, Shrub-Carr (willow thicket), and second growth, Southern Wet to Wet-Mesic Lowland Hardwoods	0.2
W-6 (ADID wetland). No functional value rated as high.	Second growth Southern Wet to Wet-Mesic Lowland Hardwoods	
W-5 (ADID wetland). No functional value rated as high.	Second growth Southern Wet to Wet-Mesic Lowland Hardwoods	0.3
W-4 (ADID wetland). Floral diversity, wildlife habitat, fishery habitat, water quality protection, groundwater rated as high.	Shallow Marsh, Southern Sedge Meadow, atypical (mowed) wetland, Fresh (Wet) Meadow, and second growth Southern Wet to Wet-Mesic Lowland Hardwoods	1.1

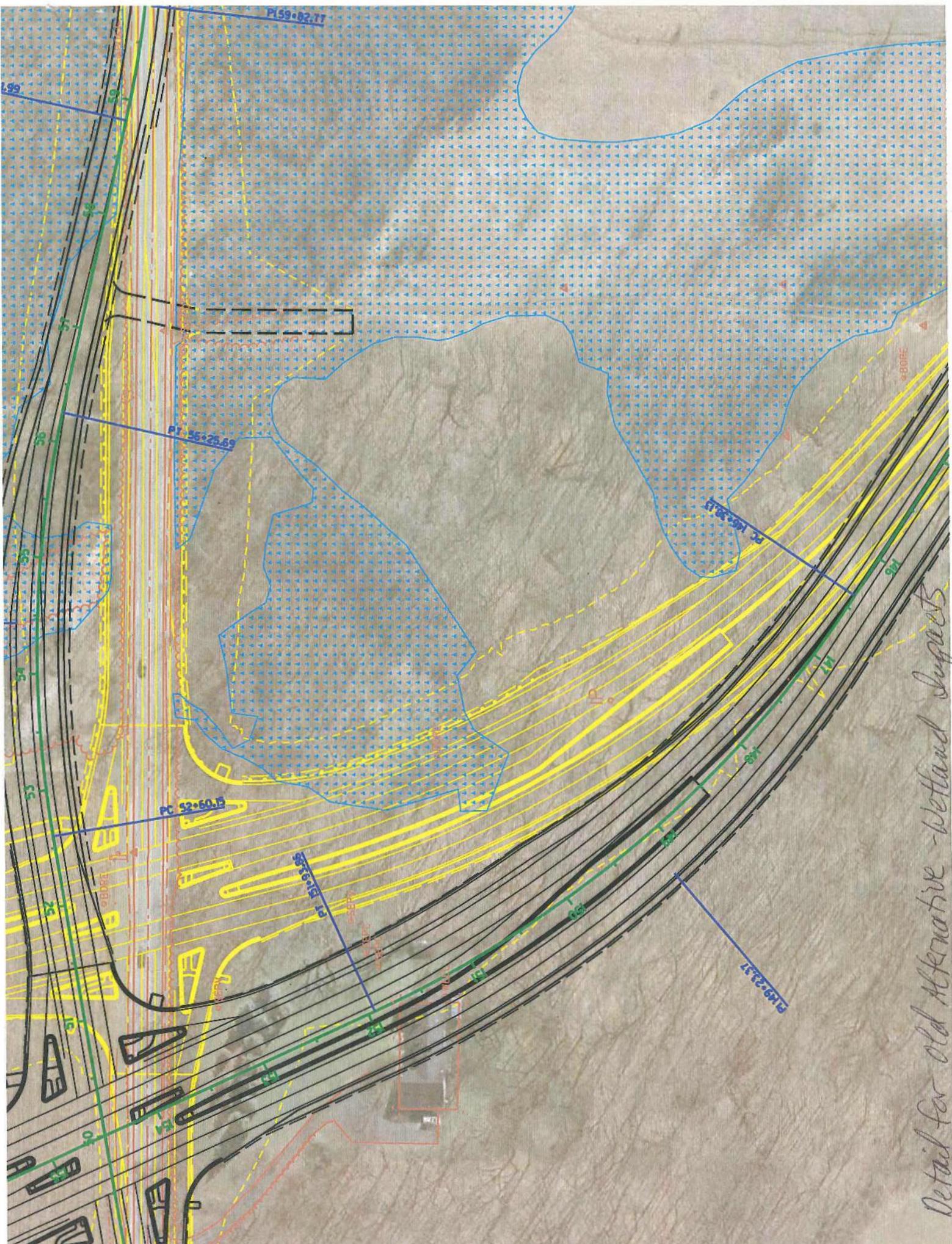
5.0

Pebble Creek West (acre)	Pebble Creek Far West (acre)
1.2	0.7
2.5	0.6
0.9	0.4
1.0	0.5
0.4	less than 0.05
0.2	
	Less than 0.05
0.3	0.2
1.1	1.1

7.6



Pebble Creek West Rotated Alignment - Wetland Impacts



Detail for old Alternative - wetland suggests